

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 980 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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STATE OF GUJARAT

Versus

ABHESINH JUVANSINH CHAUHAN      HARKHJI NA MUVADA TAL DEHGAM

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Appearance:

Mr.Bukhari, Ld. ADDL.PUBLIC PROSECUTOR for Petitioner  
SERVED for Respondent No. 1

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 08/10/97

ORAL JUDGEMENT

The accused-respondent is facing charge under Sec. 506(2) and 504 read with Sec.114 of the Indian Penal Code originally. When plea was recorded in Criminal Case no.1169 of 1989 before the learned JMFC, First Class, Dehgam, he had chosen to contest the matter. Subsequently, he admitted the guilt and benefit of probation came to be granted.

2. Under Section 11(2) of the Probation of Offenders Act, the present appeal has been filed. Strictly, speaking, it should have gone before the learned Sessions Judge, who is empowered to hear the appeal.

3. However, without entering into the technicality when after duly considering the report of the Probation Officer the learned Magistrate has exercised his discretion, I do not see any reason to interfere with the same. The appeal is dismissed .

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